

TOWN OF LUNENBURG RULES and REGULATIONS FOR OIL & GREASE TRAPS / INTERCEPTORS FOR FOOD ESTABLISHMENTS

I) AUTHORITY

The Sewer Commission of the Town of Lunenburg, Worcester County, Massachusetts, acting in accordance with the provisions of Chapter 83, Section 10, of the Massachusetts General Laws as amended, has adopted the following rules and regulations during its May 31, 2011, meeting.

II) PURPOSE

The purpose of this regulation is to protect residents, businesses and the environment within the Town of Lunenburg from blockages of the Town's Sewer System caused by the accumulation of grease in the sewer system. These blockages can cause backups and overflows into residences and other buildings, and the environment, and are a serious health concern.

III) DEFINITIONS

Agent - means any duly authorized agent of the Lunenburg Sewer Commission, as specified in the Sewer Use Rules and Regulations, as amended.

Grease - A material, either liquid or solid, composed primarily of fat, oil, and grease (FOG), from animal and vegetable sources. In Food Service, there are two types of waste FOG generated during food preparation and cleaning processes: **BROWN GREASE** is grease that is recovered from grease traps and interceptors. **YELLOW GREASE** is inedible oil and grease that comes directly from fryers and other cooking equipment.

Food Service Establishment - is defined as any establishment issued a Permit to Operate a Food Establishment by the Lunenburg Board of Health **or** any other non-residential establishment that creates grease as a by-product of food preparation. Also covered by this definition is any property, non-residential or residential, that is used to dispose of cleanup waste from a mobile food service establishment. Both the owner of the premises where a grease trap is required and the owner or operator of the establishment or business conducted on the premises, shall be jointly and severally responsible for installing a grease trap acceptable to the Commission and for properly servicing and maintaining the grease trap.

Grease Trap - A grease control device which is used to serve individual fixtures (internal unit). The device is located adjacent to or in close proximity to a kitchen fixture, and is designed to collect, contain or remove food wastes and grease from the kitchen waste stream, allowing the liquid portion to discharge to the sewer system.

Grease Interceptor/Tank - A multi-compartmented device (external unit) located underground and outside of a food service establishment designed to collect, contain and remove food wastes and FOG from the kitchen waste stream, while allowing the liquid portion to discharge to the sewer system. FOG is separated from the kitchen waste stream by gravity as it moves from one compartment to another.

Industrial Pretreatment Program (IPP) - is a federally mandated program required to oversee non-domestic discharges to a publicly owned treatment works (POTW).

Industrial Wastes - shall mean the liquid wastes from industrial manufacturing processes, trades or businesses as distinct from sanitary sewage.

Noncompliance Fee - Fee assessed for failure to comply with the requirements of this Regulation or the associated SCDA, in accordance with Section VI of this regulation.

Permitted Waste Hauler - means any Hauler which is issued a Permit to Haul (waste material) by the Lunenburg Board of Health.

Publicly Owned Treatment Works (POTW) or Sewage Works - A treatment works is defined by Section 212 of the Act, (33U.S.C. 1292), which in this instance is owned by the Town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this regulation, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Town who are, by contract or agreement with the Town, users of the Town's POTW.

Small Commercial Discharge Authorization (SCDA) - is an authorization issued to all establishments in a specific commercial category regulated under the Industrial Pretreatment Program, allowing the discharge of industrial, or non-domestic, wastewater to the Town's sewer system. The authorization may include, but is not limited to, effective dates, pretreatment, monitoring and reporting requirements, and maintenance and compliance schedules. A modified SCDA may be issued to an individual establishment to accommodate unique conditions or recurring noncompliance. The modified SCDA may include but is not limited to additional reporting, sampling and analytical requirements, numeric discharge limits, and third party maintenance and/or monitoring.

Twenty-five Percent Rule - Standard for the determination of grease trap or interceptor maintenance requirements to ensure that minimum design requirements for FOG removal are met, such that the combined FOG and solids accumulation in the tank does not exceed 25% of the operating depth (design hydraulic depth) of the tank. The operating depth is the depth from the outlet pipe to the bottom of the tank. The Sewer Commission may require the use of the manufacturer's recommended cleaning level if it is stricter than this standard.

User - Any person who contributes, causes, or permits the contribution of wastewater into the Town's POTW.

IV) GENERAL PROVISIONS

A) Annual Permit Fees

Annual Permit Fees shall be assessed to each establishment regulated under this regulation. The Sewer Commission will provide an application form to collect information required in this regulation. Rates will be tiered, and will be assessed based on program compliance by each individual establishment during the preceding permit year, based on the following guidelines:

- (1) Tier I (\$50.00) – Fee for establishments in full compliance with all aspects of the program, including but not limited to properly completed paperwork, timely submittals, maintenance, and recordkeeping.
- (2) Tier II (\$100.00) – Fee assessed to establishments in partial non-compliance with program requirements during one reporting period only in the preceding permit year, including but not limited to properly completed paperwork, timely submittals, maintenance, and recordkeeping.
- (3) Tier III (\$250.00) – Fee assessed to establishments in significant or recurring non-compliance with program requirements, including but not limited to non-compliance in both reporting periods, failure to install or maintain units, failure to correct deficiencies, and failure to maintain or provide required documentation.

This annual permit fee is separate and distinct from any monetary penalties assessed in direct response to violations in accordance with Section VI of this regulation.

B) Grease Trap / Interceptor Installation

In every case where a Food Service Establishment or non-residential entity is preparing or selling food, or other business in which grease is a by-product of production, a suitable grease trap/ interceptor conforming to applicable Sewer Use Rules and Regulations (as amended), Plumbing and Building Codes, must be installed within a time frame specified by agents of the Lunenburg Sewer Commission.

The Sewer Commission may, at any time, require the installation, upgrade and / or relocation of an internal grease trap or external grease interceptor, as it may deem necessary to maintain any particular building sewer pipe, any lateral sewer pipe, or sewer main pipe free from obstructions caused by fats, oil or grease emanating from a Food Service Establishment, in accordance with 248 CMR 1.00 - 7.00, and any other applicable Federal, State, or Local Regulation or By-law.

C) Commercial Properties

Property owners of commercial properties or their official designee(s) shall be responsible for the installation and maintenance of a grease interceptor serving multiple food establishments that are located on a single parcel or development.

D) New or Remodeled Food Service Establishments

All new or remodeled Food Service Establishments shall install an appropriate type and size grease trap and / or interceptor based on the following guidelines and subject to prior approval by the Sewer Commission and the Plumbing Inspector for the Town of Lunenburg.

- 1) Design of Grease Traps and Interceptors for new construction or remodeled Food Service Establishments shall be in accordance with the requirements of the MA Uniform Plumbing Code, 248 CMR 10.09.
- 2) Internal Grease Traps shall be based on Plumbing and Drainage Institute (PDI) sizing and installation data, in accordance with the appendix to the PDI Standard PDI-G101, and shall utilize only those units approved by PDI. These units shall also include a sample port on the effluent Tee.
- 3) All new and remodeled Institutions, including but not limited to schools, colleges, hospitals and nursing homes, and housing complexes with kitchen facilities, shall install an appropriately sized external inground grease interceptor.
- 4) All new and remodeled Food Service Establishments shall install an appropriately sized external in-ground grease interceptor. Existing facilities will be required to be retrofitted with an exterior grease trap if grease discharge fouls sewer lines and the owner of the facility is unable to attain compliance with discharge requirements of these rules and regulations.

E) Restrictions and Prohibitions

In addition to the prohibitions detailed elsewhere in the Sewer Use Rules and Regulations, as amended, the following restrictions apply:

- Sink water temperatures will not exceed 140 degrees Fahrenheit.
- Dishwashers shall be discharged through an internal grease trap per the requirements of 248 CMR 10.09.
- Food Grinders are not allowed in establishments that require a grease trap.
- The use of emulsifying agents such as solvents, acids and caustics, and other toxic and or hazardous chemicals, and petroleum products known to have uses as a declogger or degreaser is prohibited.
- The use of bacterial or enzymatic treatments to improve discharge flow is prohibited, except in certain cases prior approval may be obtained from the Sewer Commission. Any such usage shall not be a substitution for adequate maintenance.

F) Exemptions

The following Food Service establishments are exempt and will not be regulated under the SCDA Program or these Rules and Regulations:

- 1) Any establishment which is not connected to the Town's POTW.
- 2) Any establishment not required to have a grease trap under the Massachusetts Plumbing Code.
- 3) Establishments which do not prepare food, do not use fats, oil and grease, and which do not provide seating or other facilities for the consumption of food on the premises.
- 4) Non-cooking Establishments which do not use fats, oil and grease, and:
 - which only prepare beverage items like coffee, tea, soda or
 - are primarily engaged in the preparation of precooked food items that do not require any form of cooking, such as frozen food preparation/serving establishments.

G) Waiver for Grease Traps

An establishment which generates very little or no Fats, Oil and Grease, may request a waiver of the requirements of the SCDA and these rules and regulations. The request must be clear and specific, and include the quantity generated, how it is generated, method of disposal, and any other pertinent information supporting the request. All such requests will be reviewed and a determination made within 30 days of receiving the request.

All establishments which receive a waiver will be required to inspect the grease traps every 6 months and clean out the grease trap(s) at least once per year; provided however, the Sewer Commission may require a more frequent schedule. Written and signed documentation of maintenance activities will be maintained on-site and available for inspection.

H) Grease Trap Maintenance

The owner and/or operator of an establishment subject to these regulations shall open and inspect all Grease Traps on a weekly basis, at minimum. The unit shall be completely cleaned out as needed. Inlet/outlet pipes and baffles shall be inspected, and maintained free of all caked on FOG and residual waste. The units shall be cleaned out a minimum of once per month, or, an establishment may request permission to utilize the 25% Rule or manufacturer's recommended cleaning level to determine site specific cleanout frequency. Use of the 25% Rule or manufacturer's recommended cleaning level will require training by Town personnel and additional recordkeeping.

Any inspections, maintenance, repairs, etc. shall be documented on the Maintenance Log(s), which shall be posted at all times in a visible location near the grease trap. In addition, the owner and/or operator shall submit written documentation of such inspections, maintenance, repairs, etc. to the Sewer Commission and the Lunenburg Board of Health not less than once a month, unless a longer period is approved by the Sewer Commission. It is specifically prohibited to maintain a grease trap / interceptor by bacteriological, enzymatic or chemical addition or treatment.

I) Waiver for Grease Interceptors

A Food Service Establishment may apply for a waiver from this regulation if the establishment can demonstrate that it is impossible or impracticable to operate or maintain an interceptor at that location. Any request must include alternative pretreatment for managing FOG from the establishment. Consideration will be given but not limited to the following scenarios:

- Inadequate space for the installation or maintenance of a unit,
- Inadequate slope for gravity flow between fixtures and unit or unit and public sewer,

A waiver may contain additional requirements specific to the location including but not limited to alternative equipment, sampling and analytical requirements, reimbursement of costs associated with sewer monitoring and maintenance, and implementation of additional Best Management Practices.

Every waiver request shall be made in writing and it shall reference the specific provision of the rules and regulations for which the waiver is sought. The applicant shall provide technical documentation that demonstrates that an equal amount of environmental protection can be attained without full compliance with these rules and regulations. A copy of said request shall be sent to the Lunenburg Board of Health. Any waiver allowed by the Sewer Department shall be issued in writing and a copy sent to the Lunenburg Board of Health. Any denial of a waiver request shall also be issued in writing and shall contain a statement of the reasons for a denial. Written notification to the applicant shall be completed by the Sewer Department within 30 days of receipt of a complete application. All documents relating to the request, approval or denial of a variance shall be kept on file in the Sewer Department and shall be available to the public during the regular hours of operation.

J) Grease Interceptor Maintenance

The owner and/or operator of an establishment subject to these regulations shall open and inspect all Grease Interceptors on a monthly basis. Cleanouts shall be scheduled based on the 25 % Rule or manufacturer's recommended cleaning level, or, at minimum, once every 6 months. Use of the 25% Rule will require training by Town personnel and additional recordkeeping.

The unit shall be maintained in an efficient operating condition at all times. Cleanouts shall be performed by a licensed hauler and shall include the complete removal of all the contents and cleaning of the unit. Top skimming of outdoor grease traps, decanting, and back flushing of the grease trap to reduce the volume to be hauled is prohibited. The Hauler shall provide written documentation to the establishment on the services provided, date, quantity of material removed, and disposal facility. The owner or operator shall maintain this documentation on site and have available for inspections. In addition, the owner and/or operator shall submit written documentation of such inspections, maintenance, repairs, etc. to the Sewer Commission and the Lunenburg Board of Health within 30 days of such action. Any inspections, monthly depth measurements to comply with the 25% Rule, maintenance, repairs, etc. shall be documented on the Maintenance Log, which shall be maintained and posted on site at all times in an accessible location. Such documentation shall include a photograph of the cleaned out tank.

K) Waste Fats, Oil & Grease Storage and Removal

Waste grease and oil shall not be disposed of in the sanitary sewer. All waste fats, oil and grease must be collected in an appropriate container provided by an approved vendor, and stored in an approved location on the premises. The container must be stored on an impervious surface such as concrete or pavement. Containers must be capable of being sealed to prevent entry of precipitation, or stored in a sheltered area. During storage, all grease containers and surrounding areas shall be maintained in a clean and sanitary condition at all times. For containers and a grease interceptor, the waste material shall be removed by a professional hauler, licensed by the Lunenburg Board of Health, and shall include the complete removal of all contents.

V) RECORDKEEPING, ENFORCEMENT AND INSPECTION

The Sewer Commission shall enforce the provisions of this regulation. Authorized agents of the Lunenburg Sewer Commission (Agent) bearing proper credentials may enter upon any premises at any reasonable time to inspect for compliance with this regulation. Such authority shall not impinge on any authority vested in the Lunenburg Board of Health. The owner and/or operator shall allow said Agent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any addition duties.

- a. Where an owner/operation has security measures in force which require proper identification and clearance before entry into its premises, the owner/operator shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Agent will be permitted to enter without delay for the purposes of performing specific responsibility.
- b. The Agent shall have the right to set up on the owner's/operator's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- c. The Agent may require the owner/operator to install monitoring equipment complying with Plumbing and Drainage Institute's Testing and Certification requirement for Grease Interceptors with FOG Sensing and Alarm Devices (PDI G102). The monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner/operator at its own expense.
- d. Any temporary or permanent obstruction to safe and easy access to the establishment to be inspected and/or sampled shall be promptly removed by the owner/operator upon the written or verbal request of the Agent and shall not be replaced. The costs of clearing such access shall be borne by the owner/operator.

- e. Unreasonable delays in allowing the Agent access to the establishment shall be a violation of this regulation.

All records pertaining to purchasing, storage and removal of grease related products shall be retained by the owner or operator on the premises for a period of three years. This shall include the Small Commercial Discharge Authorizations and Inspection / Maintenance Forms, hauler receipts, manifests/bills of Lading, and a complete inventory of all food and maintenance related products that are purchased by the establishment. In accordance with any requirements specified in the Small Commercial Discharge Authorization, or upon request by an agent of the Sewer Commission, an owner or operator shall furnish all information required to enforce and monitor compliance with this regulation. In addition, the owner and/or operator shall submit written documentation of such removal of grease to the Sewer Commission and the Lunenburg Board of Health within 30 days of such action. The Sewer Commission will provide a recommended form for required documentation.

VI) VIOLATIONS & PENALTIES

Written notice of any violation of this regulation or associated SCDA shall be given to the owner and / or operator by an Agent of the Sewer Commission, specifying the nature, time and date of the violation, any preventative measures required to avoid future violations, and a correction time frame.

Failure to comply with the reporting requirements specified in the SCDA may result in an automatic Noncompliance fee of \$50.00.

Continued noncompliance with any requirement of this regulation or the SCDA, or failure to correct an existing violation may result in a Noncompliance Fee of \$25.00 per day of violation retroactive to the start of the noncompliance, assessed biweekly until compliance is achieved.

The Sewer Commission may, after providing opportunity for a hearing, suspend the permit issued under this regulation, and will notify the Lunenburg Board of Health accordingly. During this time, the permittee may not discharge any FOG bearing wastewater to the municipal sewer system. Continued operation without a valid discharge authorization may result in the termination of sewer service.

This process can be initiated for:

- 1) Serious or repeated violations of this regulation.
- 2) Interference with the authorized agents of the Sewer Commission in the performance of their duty.
- 3) For keeping or submitting any misleading or false records or documents required by this regulation.
- 4) Recurring Noncompliance with the terms and provisions of the Small Commercial Discharge Authorization.

In accordance with the Sewer Use Rules and Regulations as amended, any person that violates these regulations shall be liable for any expense incurred by the Town as a result of such violation, including but not limited to, any or all of the following costs: legal costs or fees; administrative fees; loss; disposal, cleanup or maintenance fees; penalties; or damages.

VII) HEARING

The person or persons, to whom any order or notice pursuant to this regulation has been issued, may request a hearing before the Sewer Commission. Such request shall be in writing and shall be filed in the office of the Sewer Commission within ten days after receipt of the order or notice.

VIII) SEVERABILITY

Each provision of this Regulation shall be construed as separate to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

The invalidity of any section, clause, sentence or provision of these Rules and Regulations shall not affect the validity of any other part of these Rules and Regulations which can be given effect without such invalid part or parts.